

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
 2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
 3 ALCOHOLIC BEVERAGE CONTROL BOARD
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6 IN THE MATTER OF :
 7 BUSBOY, INC. :Case #16-PRO-00065
 8 t/a Busboys and Poets :
 9 1025 5th Street Northwest :
 10 License #ABRA-077964 :
 11 Retailer Class CR :
 12 License renewal :
 13 - - - - -X

14 Monday, June 13, 2016
 15

16 Whereupon, the above-referenced matter
 17 came on for hearing at the Alcoholic Beverage
 18 Control Board, Reeves Center, 2000 14th Street,
 19 N.W., Suite 400S, Washington, D.C. 20009.
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 21
 22

1 CHAIRPERSON:

2 LAVERNE FLETCHER, Presiding

3

4 ALSO PRESENT:

5 STEPHEN O'BRIEN

6 ARTHUR MEISNERE

7 ANDY SHALLAL

1 P-R-O-C-E-E-D-I-N-G-S

2 ROLL CALL HEARING

3 CHAIRPERSON FLETCHER: Are the parties
4 present in the matter of Busboys and Poets? This
5 is Case #16-PRO-00065, Busboys Inc., trading as
6 Busboys and Poets, 1025 5th Street Northwest,
7 License #ABRA-077964. This is a Retailer Class
8 CR, license renewal. The protest issues are
9 adverse impact on peace, order and quiet.
10 Introductions beginning with the applicant
11 please.

12 MR. OBRIEN: Stephen O'Brien for the
13 applicant and I'm accompanied by Andy Shallal, S-
14 H-A-L-L-A-L.

15 CHAIRPERSON FLETCHER: Thank you.

16 MR. OBRIEN: Who is the president of Busboys
17 Inc.

18 CHAIRPERSON FLETCHER: Thank you.
19 Introduction from the protestant please.

20 MR. MEISNERE: Arthur Meisnere.

21 CHAIRPERSON FLETCHER: Would you spell your
22 last name for the record?

1 MR. MEISNERE: M-E-I-S-N-E-R-E.

2 CHAIRPERSON FLETCHER: Thank you very much.

3 And how do you pronounce that again?

4 MR. MEISNERE: Meisnere.

5 CHAIRPERSON FLETCHER: And Mr. Meisner, you
6 filed your protest as an interested party. Can
7 you state your address for the record, where you
8 actually reside?

9 MR. MEISNERE: 475 K Street Northwest,
10 Apartment 315.

11 CHAIRPERSON FLETCHER: In order to be a
12 protestant in this matter, Mr. Meisnere, you
13 would actually need to abut the property.

14 MR. MEISNERE: I live right above it.

15 CHAIRPERSON FLETCHER: You live right above
16 it? The address of Busboys -- you live in the
17 building above Busboys and Poets?

18 MR. MEISNERE: That's correct.

19 CHAIRPERSON FLETCHER: I'm reviewing your
20 protest letter, just a moment. You state in your
21 letter that you live directly above, so are you -
22 - are you abutting -- are you a very next unit

1 above the establishment or are you some floors
2 above? I'm just trying to get some idea.

3 MR. MEISNERE: Part of it.

4 CHAIRPERSON FLETCHER: So, part of your
5 property actually does abut Busboys and Poets?
6 So, Mr. O'Brien do you have anything?

7 MR. OBRIEN: Yes, I just want to make sure
8 that we're using the same terminology. Do I
9 understand that Mr. Meisnere -- part of Mr.
10 Meisnere's property actually, like his floor is
11 the ceiling above Busboys and Poets?

12 MR. MEISNERE: I believe so, yes.

13 MR. OBRIEN: For clarification is there a --
14 are there units, residential units on the second
15 floor?

16 MR. MEISNERE: No, it's a gym.

17 MR. OBRIEN: But the gym is not between Mr.
18 Meisnere and Busboys and Poets?

19 MR. MEISNERE: I've never been in the gym, I
20 don't know where it is.

21 MR. OBRIEN: Okay, can I ask what portion of
22 Mr. Meisnere's residence touches Busboys and

1 Poets?

2 MR. MEISNERE: I think the master bedroom and
3 the master bathroom.

4 MR. OBRIEN: So, if we understand directly if
5 we drilled straight down from, say, the bedroom
6 or bathroom, the first thing we would hit would
7 be the ceiling of Busboys and Poets?

8 MR. MEISNERE: I believe so.

9 MR. OBRIEN: Okay, I know Mr. Meisnere is
10 qualifying with "I believe." I think we're going
11 to have to investigate to determine whether in
12 fact he is an abutting property owner. I do want
13 to confirm that Mr. Meisnere owns the unit that
14 he lives in?

15 MR. MEISNERE: Yes.

16 MR. OBRIEN: Yes.

17 CHAIRPERSON FLETCHER: What I'll do for the
18 purpose of the Roll Call Hearing I'm going to
19 grant conditional standing to you, Mr. Meisnere,
20 as a protestant to give us an opportunity just to
21 confirm that the properties actually abut. So,
22 I'm granting conditional standing onto -- I'm

1 granting you conditional standing as a protestant
2 and what that means is you'll have an opportunity
3 -- we'll have a chance to check to confirm that
4 the properties abut and that the upcoming status
5 hearing before the Board you'll get to straighten
6 it out then, and you'll get to present to the
7 Board and any additional information you have to
8 show that the properties abut. So in the
9 meantime we'll just continue through the process.

10 MR. MEISNERE: Thank you.

11 CHAIRPERSON FLETCHER: We're going to set a
12 date for the status hearing, protest hearing and
13 the mediation. I'll give you the date of the
14 status and protest hearing first. The date of
15 the status hearing is set for September 21 --
16 September 21 at 9:30. The date of the protest
17 hearing is November 2 at 1:30.

18 MR. MEISNERE: 1:30?

19 CHAIRPERSON FLETCHER: Yes, November 2 at
20 1:30. The next available date for mediation is
21 Friday, August 19th at 9:00, 10:00, 11:00 or
22 1:00.

1 MR. OBRIEN: May we have a moment? May we
2 have a moment?

3 CHAIRPERSON FLETCHER: Yeah

4 MR. O'BRIEN: August 19th at 1:00 would be
5 good.

6 CHAIRPERSON FLETCHER: Is that good, Mr.
7 Meisnere.

8 MR. MEISNERE: Yes.

9 CHAIRPERSON FLETCHER: So, mediation is set
10 for Friday, August 19 at 1:00. Mr. Meisnere, did
11 you put your contact information on the sign-in
12 sheet?

13 MR. MEISNERE: Yes, I did.

14 CHAIRPERSON FLETCHER: Thank you very much.
15 Any questions at all?

16 MR. MEISNERE: No.

17 CHAIRPERSON FLETCHER: Okay, thank you. Roll
18 Call Hearing is concluded. Thank you.

19 [Whereupon, the above-entitled matter
20 concluded.]